



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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Charles D. Baker  
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Matthew A. Beaton  
Secretary

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Commissioner

### AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("Department" or "MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

**ISSUED TO ["the Permittee"]:**

Southbridge Energy  
60 Optical Drive  
Southbridge, MA 01550

**INFORMATION RELIED UPON:**

OP Renewal Tr No. X226397  
Admin Amendment Tr No X264368

**FACILITY LOCATION:**

Southbridge Energy  
60 Optical Drive  
Southbridge, MA 01550

**FACILITY IDENTIFYING NUMBERS:**

AQ ID 118-0264  
FMF FAC NO. 314076  
FMF RO NO. 314077

**NATURE OF BUSINESS:**

Electric Power Generation

**STANDARD INDUSTRIAL CODE (SIC):**

4911

**NORTH AMERICAN INDUSTRIAL  
CODE (NAICS):** 221112

**RESPONSIBLE OFFICIAL:**

Name: Stanley Grazulis  
Title: Facilities Manager  
Phone: (508) 764-2024

**FACILITY CONTACT PERSON:**

Same

**This operating permit shall expire on September 24, 2014.**

For the Department of Environmental Protection

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

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Permit Chief, Bureau of Air and Waste

February 27, 2015  
Date

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## SPECIAL CONDITIONS FOR OPERATING PERMIT

A Legend to Abbreviated Terms found in the following Tables is located in Section 28 of the Operating Permit.

## **1. PERMITTED ACTIVITIES**

In accordance with the provisions of 310 CMR 7.00:Appendix C and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00:Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

## **DESCRIPTION OF FACILITY AND OPERATIONS**

The Permittee is named Southbridge Power and Thermal L.L.C. (SP&T) with a place of business located at 100 Mechanic Street, Unit One, 60 Optical Drive, Southbridge, Massachusetts. The Permittee operates an electric power cogeneration plant which includes five reciprocating engines and two packaged boilers. The cogeneration plant utilizes natural gas as the sole source of fuel. The facility is not a major source of Hazardous Air Pollutants (HAPS).

Table 1 lists the equipment (emission units or EUs) subject to this Operating Permit. Table 2 describes the exempt activities that are not mentioned further in the Operating Permit. Tables 3, 4, 5, and 6 describe the applicable requirements that the EUs are subject to in the Operating Permit. Table 7 lists the requirements that the Permittee is currently not subject to. The Permittee is not subject to Compliance Assurance Monitoring (CAM) because it does not have any emission units that are major emitters of a criteria air contaminant before control. Section 5 "Special Terms and Conditions" lists requirements not mentioned in the Tables 1-6.

## **2. EMISSION UNIT IDENTIFICATION**

The following emission units (Table 1) are subject to and regulated by this operating permit:

<b>Table 1</b>			
<b>Emission Unit (EU#)</b>	<b>Description of Emission Unit</b>	<b>EU Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
EU #1-5	Deutz #TBG 620 Reciprocating Engine	14,700,000 BTU/hr input	CO Oxidation Catalyst
EU #6-7	Cleaver Brooks Gas Fired Steam Boiler	29,300,000 BTU/hr input	Low NOx Burner Technology & Flue Gas Recirculation

## **3. IDENTIFICATION OF EXEMPT ACTIVITIES**

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

<b>Table 2</b>
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Description of Current Exempt Activities	Reason
<p>The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.</p>	<p>310 CMR 7.00:Appendix C(5)(h)</p>

## **4. APPLICABLE REQUIREMENTS**

### **A. EMISSION LIMITS AND RESTRICTIONS**

The Permittee is subject to the emission limits/restrictions as contained in Table 3 below:

<b>Table 3</b>					
<b>EU #</b>	<b>Fuel</b>	<b>Pollutant</b>	<b>Restrictions</b>	<b>Emissions Limit/Standard</b>	<b>Applicable Regulation and/or (Approval No.)</b>
EU #1- #5	Natural Gas	PM	None	0.020 lb/MMBtu and 6.4 tons per 12 month rolling total	310 CMR 7.02 Approval Transmittal #110700 dated June 2, 2000
		SO <sub>2</sub>		0.001 lb/MMBtu and 0.32 tons per 12 month rolling total	
		NO <sub>x</sub>		0.174 lb/MMBtu* and 56.0 tons per 12 month rolling total	
		CO		0.070 lb/MMBtu and 22.5 tons per 12 month rolling total	
		VOC		0.104 lb/MMBtu and 33.5 tons per 12 month rolling total	
EU #6 and #7	Natural Gas	PM	None	0.01 lb/MMBtu and 2.6 tons per 12 month rolling total	Transmittal #110700 40 CFR Part 60 Subpart Dc
		SO <sub>2</sub>		0.001 lb/MMBtu and 0.26 tons per 12 month rolling total	
		NO <sub>x</sub>		0.035 lb/MMBtu and 9.0 tons per 12 month rolling total	
		CO		0.037 lb/MMBtu and 9.5 tons per 12 month rolling total	
		VOC		0.012 lb/MMBtu and 3.1 tons per 12 month rolling total	
Facility Wide		Smoke		Smoke shall not exceed #1 of the Chart for a period or aggregate period of time in excess of six minutes during any one hour provided that at no time during the said six minutes shall the shade density or appearance be equal to or greater than #2 of the Chart.	310 CMR 7.06(1)(a)
		Opacity		Opacity shall not exceed 20% for a period or aggregate period of time in excess of 2 minutes during any one hour provided that, at no time during the said 2 minutes shall the opacity exceed 40%.	310 CMR 7.06(1)(b)
		PM		9.0 tons per 12 month rolling total	Transmittal #110700
		SO <sub>2</sub>		0.58 tons per 12 month rolling total	
		NO <sub>x</sub>		65.0 tons per 12 month rolling total	
		CO		32.0 tons per 12 month rolling total	
		VOC		36.6 tons per 12 month rolling total	

\* Equivalent to 0.62 grams per brake horsepower-hour (g/Bhp-hr) based on a one-hour average.

## B. COMPLIANCE DEMONSTRATION

The Permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10) and applicable requirements contained in Table 3:

<b>Table 4</b>	
<b>EU#</b>	<b>MONITORING/TESTING REQUIREMENTS</b>
EU # 1- 7	In accordance with the provisions of Approval #110700 the Permittee shall do the following:
	1. (EU #6 & EU #7 only) The Permittee shall inspect and maintain the emission units in accordance with the manufacturer's recommendations and test them for efficient operation at least once each calendar year in accordance with 310 CMR 7.04(4)(a). The results of said inspection, maintenance and testing and the date upon which it was performed shall be recorded and posted conspicuously on or near the permitted equipment.
	2. The Permittee shall monitor the operations of the entire facility such that necessary information is available for the preparation of the annual Source Registration/Emission Statement Forms as required by 310 CMR 7.12.
	3. Fuel metering and other operating control systems shall be operated by the Permittee in a sufficient manner to ensure proper operations in compliance with this Approval at all times.
	4. The facility will be constructed to accommodate emission-testing requirements contained herein.
	5. The facility must obtain approval of the stack test protocol. A detailed description of sampling port locations, sampling equipment, sampling and analytical procedures, and operating conditions for such tests must be submitted to this office at least 90 days prior to testing of the facility
	6. In accordance with 310 CMR 7.13, MassDEP may require testing for any pollutants if deemed necessary to ascertain the mass emission rates and relationship to equipment design and operation. Such testing shall be: <ul style="list-style-type: none"> <li>a) Conducted by a person knowledgeable in stack testing, and</li> <li>b) Conducted in accordance with the procedures contained in a test protocol which has been approved by the MassDEP, and</li> <li>c) In the presence of a representative of the MassDEP when such is deemed necessary.</li> </ul>
	7. Compliance with the allowable opacity limits shall be determined in accordance with EPA Reference Method 9, as specified in 40 CFR 60, Appendix A.
	8. Emission testing to demonstrate compliance with the emission limits specified in Table 3 shall be in accordance with EPA approved reference test methods unless otherwise approved by EPA and the MassDEP or unless otherwise specified and shall include test Methods 1 through 4 and for Particulate Matter (Method 5), Sulfur Dioxide (Method 6C), Nitrogen Oxides (Method 7E), Carbon Monoxide (Method 10), Gaseous Organic Compounds (Method 18) and Total Gaseous Organic Concentration (Method 25A) as a requirement of 310 CMR 7.13.

Table 5	
EU#	RECORD KEEPING REQUIREMENTS
All	The Permittee shall <b>maintain on site the following records for five (5) years from the date of generation</b> and have the records readily available to the MassDEP and EPA personnel in accordance with 310 CMR 7.00 Appendix C(10)(b):
EU #1- #7	<ol style="list-style-type: none"> <li>Records of emissions testing conducted to demonstrate compliance with the applicable requirements in Table 3 shall be in accordance with 310 CMR 7.13(1)(d).</li> <li>(EU #6 &amp; EU #7 only) Inspection, maintenance, and testing results of the emission units and the date upon which it was performed in accordance with 310 CMR 7.04(4)(a).</li> </ol>
Facility Wide	<ol style="list-style-type: none"> <li>The Permittee shall maintain sufficient records of its operations and monitoring information for the annual preparation of a <b>Source Registration/Emission Statement Form</b> as required by 310 CMR 7.12.</li> <li>The Permittee shall keep copies of Source Registration/Emission Statement Forms submitted annually to MassDEP as required by 310 CMR 7.12(3)(b).</li> </ol>

Table 6	
EU#	REPORTING REQUIREMENTS
EU #1-7	<p>In accordance with the provisions of Approval #110700 the Permittee is subject to the terms and conditions presented in Table 6 and to other terms and conditions referenced herein.</p> <ol style="list-style-type: none"> <li>The Permittee shall report to the Department of Environmental Protection, Bureau of Waste Prevention, Central Regional Office, Compliance and Enforcement Section within 4 hours (or as soon as reasonably practical) by telephone, fax or electronically and in writing within two (2) days of discovery of any UPSETS or MALFUNCTIONS to the facility equipment, air pollution control equipment, or monitoring equipment which result in an excess emission to the air and /or a condition of air pollution.</li> </ol>
Facility Wide	<ol style="list-style-type: none"> <li>In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by the MassDEP that stack testing is necessary to ascertain compliance with the MassDEP's regulations or design approval provisos shall cause such stack testing to be summarized and submitted to the MassDEP as prescribed in the agreed to pretest protocol.</li> <li><b>Upon the MassDEP's request, any records required by the applicable requirements identified in Sections 4 and 5</b> of the operating permit, or the emissions of any air contaminant from the facility, shall be submitted to the MassDEP within 30 days of the request by the MassDEP, or within a longer time period if approved in writing by the MassDEP. Said response shall be transmitted on paper, on computer disk, or electronically at the discretion of the MassDEP, pursuant to 310 CMR 7.00 Appendix C(10)(a) incorporated herein by reference.</li> <li>The Permittee shall <b>submit a Source Registration/Emission Statement</b> form to the MassDEP on an annual basis as required by 310 CMR 7.12.</li> <li>The Permittee shall <b>submit by January 30 and July 30</b> for the previous six months respectively, a summary of all monitoring data and related supporting information to the MassDEP as required by 310 CMR 7.00: Appendix C(10)(c).</li> <li><b>All required reports must be certified</b> by a responsible official of the Permittee as provided in 310 CMR 7.00: Appendix C(10)(h).</li> </ol>

### C. GENERAL APPLICABLE REQUIREMENTS

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

### D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The Permittee is currently not subject to the following requirements:

<b>Table 7</b>	
<b>REGULATION</b>	<b>DESCRIPTION/REASON</b>
310 CMR 7.16	Reduction of Single Occupant Commuter Vehicle Use
40 CFR Part 82	Protection of Stratospheric Ozone
42 U.S.C. 7401, Section 112(r)	Prevention of Accidental Releases
40 CFR Part 64	Compliance Assurance Monitoring

## **5. SPECIAL TERMS AND CONDITIONS**

The Permittee is subject to the following special provisions that are not contained in Table 3, 4, 5, and 6:

The Permittee is subject to the following special terms and conditions in accordance with 310 CMR 7.02 Approval Transmittal #110700 dated June 2, 2000.

#### **A. Generator Sets**

1. The emissions from the reciprocating engines (emission units #1 - #5) utilizing natural gas shall be emitted to the ambient air through an existing reinforced concrete stack with a new single flue made with stainless steel or carbon steel. The stack height is 167 feet above ground level, which will provide for a maximum exit velocity of 48 feet per second at a temperature of 320°F.
2. The Permittee shall equip each engine generator with a noise suppressant (muffler) so that the sound emissions from the generator sets will not cause a condition of air pollution and will conform to the MassDEP noise guidelines.
3. The Permittee shall use an Oxidation Catalyst that is designed to reduce carbon monoxide emissions by 90% on each generator set (emission units #1 - #5).
4. Natural gas shall be the only fuel fired in the generator sets.
5. US EPA proposed 40 CFR 63 subpart ZZZZ for existing stationary reciprocating internal combustion engines located at area HAP facilities. The Permittee shall submit a minor modification application under 310 CMR 7.00 Appendix C(8) to incorporate all applicable requirements of 40 CFR 63 subpart ZZZZ into the facility's operating permit if there is 3 years or more to the time-frame of the operating permit within 18 months of the rule becoming final.

#### **B. Boilers**

1. The emissions from the boilers (emission units #6 - #7) utilizing natural gas shall be emitted to the ambient air through an existing reinforced concrete stack equipped with a new single flue made with carbon or alloy steel. The stack height will be 167 feet above ground level, which will provide for a maximum exit velocity of 58 feet per second at a temperature of 329°F.
2. Each boiler shall be equipped with a Low NOx burner and Flue Gas Recirculating system which will recirculate a portion of the flue gases back into the flame with combustion air, thereby reducing the NOx emissions to the ambient air.

C. NOISE REQUIREMENTS (State Only)

1. MassDEP Policy 90-001 provides that an increase in sound by more than 10 dBA over the existing  $L_{90}$  ambient level, unless otherwise specified, will be considered a violation of the air quality regulations. Additionally, pure tone sounds, defined as any octave band level, which exceeds the levels in adjacent octave bands by 3 dBA or more, will also be a violation.
2. Noise surveys will be conducted before and after construction and operation to determine compliance with the MassDEP guidelines. The noise study submitted with the application is sufficient for use as a “before” study. The after study shall confirm that noise controls are installed as required on sources of noise to meet the MassDEP guidelines under all normal operating conditions. Sources of noise shall include but not be limited to the operation of the generator sets, system components, boilers, the mechanical draft cooling tower, electric transformer, the existing building windows and fresh air intakes.
3. The emission units and system components shall be installed in an enclosed building. The building shall be soundproofed such that the noise outside the building conforms to the MassDEP guidelines.

## **6. ALTERNATIVE OPERATING SCENARIOS**

The Permittee did not request alternative operating scenarios in its operating permit application.

## **7. EMISSIONS TRADING**

(a) Intra-facility emission trading

The facility did not request intra-facility emissions trading in its operating permit application.

(b) Inter-facility emission trading

The Permittee did not request inter-facility emissions trading in its operating permit application.

## **8. COMPLIANCE SCHEDULE**

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

## GENERAL CONDITIONS FOR OPERATING PERMIT

### **9. FEES**

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

### **10. COMPLIANCE CERTIFICATION**

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

#### (a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the MassDEP to determine the compliance status of the source.

#### (b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;

- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by the MassDEP to determine the compliance status of the source.

## **11. NONCOMPLIANCE**

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

## **12. PERMIT SHIELD**

(a) This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

(b) The MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7.

(c) Nothing in this permit shall alter or affect the following:

- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

## **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### **14. PERMIT TERM**

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

#### **15. PERMIT RENEWAL**

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

#### **16. REOPENING FOR CAUSE**

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's operating permit for cause. The MassDEP will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any operating permit condition.

#### **17. DUTY TO PROVIDE INFORMATION**

Upon the MassDEP's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall furnish to the MassDEP copies of records that the Permittee is required to retain by this permit.

#### **18. DUTY TO SUPPLEMENT**

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

#### **19. TRANSFER OF OWNERSHIP OR OPERATION**

This permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new Permittee, has been submitted to the MassDEP.

## **20. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

## **21. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- (a) enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

## **22. PERMIT AVAILABILITY**

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

## **23. SEVERABILITY CLAUSE**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

## **24. EMERGENCY CONDITIONS**

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this permit as a result of an emergency<sup>2</sup>. In order to use

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<sup>1</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to

emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (b) the permitted facility was at the time being properly operated;
- (c) during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- (d) the Permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

## **25. PERMIT DEVIATION**

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also

be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

(a) Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).

(b) Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).

(c) Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).

(d) No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

## **APPEAL CONDITIONS FOR OPERATING PERMIT**

This permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

## **28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT**

\*Not all abbreviations are present in every Operating Permit

< - Less Than

> - Greater Than

#/hr - Pounds Per Hour

10<sup>6</sup> BTU/hr - 1,000,000 BTU Per Hour

AOS – Alternative Operating Scenario

AQCR - Air Quality Control Region

CEM - Continuous Emission Monitor

CO - Carbon Monoxide

EPA - Environmental Protection Agency

FMF FAC. NO. - Facility Master File Number

FMF RO NO. - Facility Master File Regulated Object Number

FT<sup>3</sup>/day - Cubic Feet Per Day

HHV - Higher Heating Value

ISO – Represent 59° F, 60% Relative Humidity, 29.92 Inches Mercury At Sea Level

MassDEP - Massachusetts Department of Environmental Protection

MMBTU/hr - Million British Thermal Units Per Hour

NH<sub>3</sub> - Ammonia

NO<sub>x</sub> - Nitrogen Oxides

PB - Lead

PLT ID - Plant Identification

PM - Particulate Matter

PPM - Parts Per Million

PTE - Potential To Emit

SO<sub>2</sub> - Sulfur Dioxide

TPY - Tons Per Year

VOC - Volatile Organic Compound